

# **Committee on Resources**

## **Subcommittee on Fisheries Conservation, Wildlife and Oceans**

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### **Statement**

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Testimony of

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Before the

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Committee on Resources

United States House of Representatives

### **Atlantic Yellowfin Tuna Issues in the National Marine Fisheries Service**

Highly Migratory Species Fishery Management Plan

July 15, 1999

Thank you, Mr. Chairman, and the members of the Subcommittee for inviting me to speak. I am Nelson Beideman, Executive Director of Blue Water Fishermen's Association. I have been a fisherman since childhood and began commercial fishing year-round after graduating from Maine Maritime Academy.

Blue Water represents U.S. commercial fishermen, fish dealers and other companies involved with Atlantic highly migratory marine species. Our fishermen are proud to provide non-fishing Americans with access to their share of these public resources. The pelagic longline fleet has traditionally harvested the majority of U.S. landings of Atlantic yellowfin tuna reported to ICCAT. However, we do agree with the recreational industry that past U.S. catches reported to ICCAT for both sectors have been substantially under-reported.

In general, we strongly believe that the NMFS has attempted to resolve too much, too fast within its FMP.

The Agency has failed to implement legal mandates for comparable permitting, reporting, monitoring and enforcement for all commercial and recreational HMS fisheries that should have been the cornerstones of this HMS FMP. If the NMFS had collected adequate science by requiring reporting and monitoring of recreational HMS fisheries that is truly comparable to data collection already in place for commercial fisheries, then the Agency, the public, recreational fishermen, and Congress would have a far more accurate and realistic understanding of the relative impacts of commercial and recreational fisheries on HMS stocks. Such a realistic understanding of these fisheries could help dispel mis-perceptions regarding the pelagic longline fishery and avoid some of the litigation the Agency now faces.

Mr. Chairman, at the root of this issue is the U.S. obligation to effectively implement an ICCAT requirement for nations to cap their fishing effort for yellowfin tuna at the 1992 reported landings level. Blue Water's fishermen do not necessarily believe that bag-limits are, at this time, the only or most appropriate response to our country's obligation to implement this ICCAT requirement. It is possible that other means could be established to meet this obligation, and we have no objection to alternatives being considered so long as our fundamental obligations to ICCAT are truly met. I would note that the U.S. pelagic longline fishery has already met this obligation and is now under limited access measures that cap the number, and control the capacity of our fishermen.

Regardless of the actions taken, we are pleased that the NMFS has, through this action, at least recognized the expansion of recreational HMS effort into offshore areas that were primarily occupied by the commercial fleet in the past. Originally, our fishermen saw no harm to this expansion, especially if reported catches would result in the U.S. obtaining more realistic international shares, when all HMS inevitably fall under Atlantic-wide "Total Allowable Catch Limits" and "Country-specific Quotas". Once these international limits are established, then it may well be necessary and appropriate for the U.S. to enforce bag-limits in the recreational fishery. However, we've grown increasingly concerned that domestic and potential international problems are building due to this recreational offshore expansion and the NMFS's under-reporting of these catches.

### **Domestic Issues:**

The apparent inability of NMFS to accurately estimate recreational catches has fueled a growing allocation conflict promoted by recreational boat builders and tackle manufacturers who realize that when these species eventually come under international quotas, their ability to continue unlimited expansion of the recreational fishery will be lost. We believe their frustration stems from NMFS's failure to revise U.S. yellowfin tuna landings reported to ICCAT in a manner that would ensure adequate future allocations. Unfortunately, these businesses have chosen to vent this frustration through unjustified counter-productive attacks against domestic commercial fishermen.

A second domestic issue is NMFS's inability to enforce U.S. law prohibiting the sale of recreationally-caught yellowfin tuna directly to restaurants. This not only circumvents the reporting of data necessary for accurate science and conservation, but it also undermines the federal HACCP seafood inspection program that commercial fishermen adhere to in order to protect consumers' health and safety. There have been cases of serious illness from uninspected recreationally-caught tunas that were sold illegally. This hurts both the consumer and the seafood market - not just for tuna - but all seafood. These product liability cases unfairly fall upon law abiding, tax paying wholesalers who provide the NMFS and the federal government with scientific and economic information but end up being the only seafood source of supply on record. With these circumstances in mind the subcommittee may wonder why a single angler would need to kill and take home more than 150 pounds of yellowfin tuna per trip (day) in order to have a satisfying recreational

experience.

**Even more importantly, international problems are building:**

In recent years, Mr. Chairman, the U.S. commercial and recreational sectors have strongly encouraged the U.S. Commissioners to ICCAT to basically drag their heels on proposing proactive Atlantic-wide TACs and country-specific yellowfin and bigeye tuna quotas until NMFS's reported landings are updated to reflect reality.

We are now concerned that unless the U.S. alters its status quo position and aggressively insists that ICCAT develop enforceable Atlantic-wide TACs and country-specific quotas, ICCAT may slip toward ineffective effort and capacity level-type controls that are already proven to be unenforceable at the international level. We see effort-type management measures as potentially useful only in domestic efforts to implement an overall ICCAT TAC and country-specific quotas. We are very concerned that any further delay in correcting U.S. landings reported to ICCAT will prevent necessary management measures from being adopted. This could result in yellowfin tuna and bigeye tuna becoming overfished as are many other ICCAT-managed species.

We are also concerned that, geographically, the United States lies on the peripheral ranges of stocks such as yellowfin and bigeye tuna. If the international community is unsuccessful at preventing stock declines, our fisheries may feel a disproportionate loss. What then will happen with the hundreds of thousands of recreational fiberglass vessels built to fish these offshore areas?

This year at ICCAT, the commercial fishery will be willing to support efforts by the U.S. Commissioners to move forward with international yellowfin tuna and bigeye tuna measures provided that the U.S. maintains a position for the highest recorded landings of each domestic fishery segment (commercial, charter/headboat and recreational) as an appropriate bottom-line U.S. position.

It is for all of these reasons that we recommend that NMFS first update past ICCAT reported landings then aggressively pursue international conservation for Atlantic BAYS tunas then implement domestic measures that are fair and equitable to each fishery sector and reflect each sector's traditional level of participation in these important fisheries. In this respect, the timing of the NMFS HMS FMP is completely out of proper sequence.

In closing, Mr. Chairman, please be aware that while U.S. domestic fisheries tear each other apart over these allocation issues; more than 70% of the bigeye tuna and 50% of the yellowfin tuna Atlantic-wide catches by foreign fisheries are less than the seven pounds (whole weight) ICCAT minimum size. Mr. Chairman, this is the real problem. If even a small percentage of these juveniles were allowed to mature, the U.S. fishery, recreational and commercial, would have ample tuna to solve any allocation concerns.

Finally, Mr. Chairman, addressing domestic catches of undersized swordfish and immature bluefin tuna could pave the way for the U.S. Delegation to apply greater pressure at ICCAT for enhancing international small fish protections for all species including, yellowfin and bigeye tuna. The U.S. Pelagic Longline Fishery hopes to be working in cooperation with you and the members of this committee on our cooperative effort with sportfishing interests, and hopefully the NMFS, to substantially address our catches of undersized Atlantic swordfish and billfish through legislation that closes swordfish nursery areas within the U.S. EEZ and buys out those fishermen put out of business by these closures.

While our scientific understanding of these species may not be complete; Mr. Chairman, it is more than adequate for us to realize that the sustainability of Atlantic HMS will not occur until the international problems are resolved before questionable domestic measures are imposed on U.S. fishermen.

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